

Patent
Attorney Docket: AUS920010629US1
(IBM/0026)

REMARKS

Applicant thanks the Examiner for the time taken to conduct a telephone interview concerning the issues enumerated in the office action to which Applicant files this response. The issues discussed in the telephone interview are discussed in the following remarks.

Claim 2 stands rejected under 35 U.S.C. 112 for certain informalities. Applicant has amended claim 2 to provide the required antecedent basis. Reconsideration and withdrawal of the rejection of claim 2 is respectfully requested.

Claims 1-44 stand rejected under 35 U.S.C. 102(b) as being unpatentable by U.S. Patent No. 6,141,413 issued to Waldner, *et al.* Waldner discloses a telephone number/Web page lookup apparatus that may be implemented in a telephone answering apparatus. (Waldner, Abstract). Specifically, the client telephone number is defined as the telephone number of the client for which telephone calls are answered by the telephone answering apparatus. (Waldner, col. 7, lines 60-64). Typically, telephone calls to clients' telephone numbers are redirected to the telephone answering service where they are answered by telephone operators in a manner specified by the clients, which may give the impression that the telephone calls are being answered by the clients themselves. (Waldner, col. 1, lines 21-30). Waldner defines "user" as a person who uses a *terminal* to answer telephone calls to telephone numbers that are answered by a telephone answering apparatus, such as an answering service or an operator in a call center. (Waldner, col. 2, lines 7-12). The "terminal" is defined as any device which is used by the *user* to answer a telephone call. (Waldner, col. 2, lines 13-19). Waldner seeks to provide a *terminal* in a telephone answering apparatus that could automatically display a Web page from a *client*'s Web site when a *user* answers a telephone call for the client, and provide the user with the capability of navigating the Web site while processing the telephone call. (Waldner, col. 4, lines 48-53). As Waldner discloses, Waldner provides a telephone answering service that includes a Web-enabled terminal having a telephone number/Web page

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lookup feature and a Web browser feature which enables the terminal to automatically display a Web page from a client's Web site when a user answers a telephone call for the client using the Web-enabled terminal. (Waldner, col. 5, lines 34-40).

Applicant claims methods, computer program products and systems that include, *inter alia*, sending a URL to a destination address of a terminal of a party other than the party that looks up the URL. (Claims 1, 15, 17, 18 and 31). For example, claim 1 is of a method for providing a URL to a customer that includes the limitations, *inter alia*, of automatically receiving a record that includes a destination address of a communications terminal of the customer during a telephone call with the customer and sending an electronic message containing the URL to the destination address of the customer. (Claim 1).

It should be noted that Applicant discloses that the destination address of the communication terminal of the customer may be automatically provided to the sender of the URL by, for example, recording the destination address in the caller ID service of the customer's telephone system. (Specification, p. 5, lines 1-30).

MPEP § 2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, *i.e.*, identity of terminology is not required. *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990).

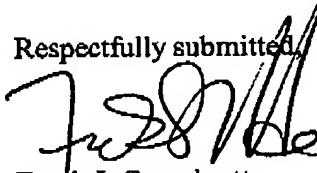
Applicant respectfully asserts that a *prima facie* case of anticipation has not been provided because Waldner fails to disclose each and every element as set forth in Applicant's independent claims. Waldner discloses looking up and sending a URL to a communications terminal belonging to the party that looks up the URL. In contrast, and quite differently, in independent claims 1, 15, 17, 18 and 31, Applicant claims that one party (the sender) looks up the URL and then sends the URL to

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a second party that has provided the address of its communications terminal to the sender. Since Waldner does not disclose a sender looking up a URL and then sending it to a different party, a *prima facie* case of anticipation has not been provided because Waldner fails to disclose each and every element as set forth in Applicant's claims, either expressly or inherently. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claims 1, 15, 17, 18 and 31 as well as all claims depending therefrom.

Applicant respectfully asserts that all claims are now in condition for allowance and respectfully requests that a Notice of Allowance be issued. If the Examiner determines that a telephone conference would expedite the examination of this pending patent application, the Examiner is invited to call the undersigned attorney at the Examiner's convenience. In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/IBM/0026 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,



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